

## UNITED STATES DISTRICT COURT

for the  
District of Oregon

FILED 14 APR '16 11:29 USDC-ORP

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Case No.

The residence and premises located at 3013 SE 136th,  
Portland, Oregon, et al., as all described in Attachment A

'16-MC-197 A-E

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The residence, premises, vehicles and persons as described in Attachment A hereto,

located in the \_\_\_\_\_ District of \_\_\_\_\_ Oregon \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

The information and items set forth in Attachment B hereto.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(g)(5)	Illegal Alien in Possession of a Firearm and/or Ammunition
18 U.S.C. § 922(a)(6)	False Statements to a Federal Firearms Licensee
18 U.S.C. § 2	Principal/Aiding and Abetting

The application is based on these facts:

See affidavit which is attached hereto and incorporated herein by this reference.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

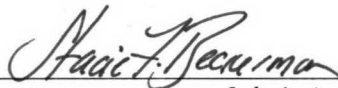
Ryan Hultgren, Special Agent ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: April 14, 2016

City and state: Portland, Oregon



Judge's signature

Hon. Stacie F. Beckerman, United States Magistrate Judge

Printed name and title

STATE OF OREGON                 )  
  )         ss.     AFFIDAVIT OF RYAN HULTGREN  
County of Multnomah         )

**Affidavit in Support of an Application**  
**Under Rule 41 for a Search Warrant**

I, Ryan Hultgren, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1.       I am a Special Agent with the Alcohol, Tobacco, Firearms, and Explosives (ATF) assigned to the Portland Field Office and have been since March 2014. My current assignment is as Special Agent. My training and experience includes; I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia, as well as a graduate of the Special Agent Basic Training Program at the ATF National Academy in Glynco, Georgia. As a Special Agent with ATF, my duties and responsibilities have included conducting criminal investigations for possible violations of Federal law.

2.       I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 (hereinafter "Premises"), a 2002 blue Chevrolet Tahoe bearing Oregon License Plate Number CA38374, a 2003 Chevrolet Avalanche bearing Oregon License Plate Number 692HRU, the person of Joanna Dominguez-Ramirez and the person of Joel Dominguez-Flores as described in Attachment A hereto, for evidence, contraband, fruits, and instrumentalities of violations of 18 U.S.C. § 922(g)(5) and 18 U.S.C. § 922(a)(6). As set forth below, I have probable cause to believe that such property and items, as described in Attachment B hereto, including any digital devices or electronic storage media, are currently located at 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236, in a 2002 blue Chevrolet Tahoe bearing Oregon License Plate Number CA38374, in a black 2003 Chevrolet Avalanche bearing Oregon License

Plate Number 692HRU, on the person of Joanna Dominguez-Ramirez and on the person of Joel Dominguez-Flores.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

**Applicable Law**

4. Title 18, U.S.C. § 2 provides that “[w]hoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.”

5. Title 18 U.S.C. § 922(g)(5) provides that it is a crime for any person who, being an alien is illegally or unlawfully in the United States to possess any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

6. Title 18 U.S.C. § 922(a)(6) provides that it shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a ... licensed dealer ... knowingly to make any false, fictitious, oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such ... dealer ... with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

**Statement of Probable Cause**

7. On March 23, 2016, two adult aged Hispanic males attempted to purchase a Colt, 1911 Government Lightweight, .38 super pistol from Keith's Sporting Goods, a Federal Firearms Licensee (FFL), in Gresham, Oregon.

8. I have spoken with Employee 1 (E1), an employee at Keith's Sporting Goods, regarding the attempted firearm purchase on March 23, 2016. E1 stated that on March 23, 2016, the two Hispanic males, one wearing a baseball cap and one in a cowboy hat, entered Keith's Sporting Goods and began inquiring about several firearms. I have shown E1 a photo lineup, which contained six photos of Hispanic males with similar facial features to those of the male in the baseball cap. E1 identified Joel Dominguez-Flores, by pointing and stating "I want to say this guy but can't say 100 percent" as being the male wearing the baseball cap. E1 stated that Dominguez-Flores asked to see several firearms and that he was the primary handler of the firearms and was the one asking to see the various firearms. E1 stated that one of the firearms that Dominguez-Flores asked to see was a Colt, 1911 Government Lightweight, .38 super pistol. E1 stated that particular firearm had a pearl handle with a blued slide and a stainless bottom. E1 stated that after Dominguez-Flores handled the Colt 1911 firearm he pointed to the male in the cowboy hat and stated "he will buy it." E1 stated that the male in the cowboy hat did not say anything to E1 and simply got out his Oregon Identification and handed it to E1. E1 stated that he/she then asked for Dominguez-Flores' identification. E1 stated that Dominguez-Flores then stated that the gun was for the male in the cowboy hat. E1 stated that he/she then informed Dominguez-Flores that his identification was still needed. E1 stated that after the identification was requested, Dominguez-Flores refused to show his ID and quickly pulled out his cell phone

and put it to his ear. E1 stated that Dominguez-Flores then said something in Spanish to the male in the cowboy hat and the male in the cowboy hat then picked up his ID and they both left the store.

9. I have reviewed recorded video surveillance from the attempted firearm purchase on March 23, 2016, at Keith's Sporting Goods. In the video, Dominguez-Flores is seen entering Keith's Sporting Goods and is followed by the male wearing the cowboy hat. Dominguez-Flores can be seen looking at firearms in the display counters and quickly moves to the display that contains the Colt pistols. The male with the cowboy hat appears to be following Dominguez-Flores throughout the store for a majority of their time inside the store. Dominguez-Flores is observed gesturing to firearms and then handling them after E1 retrieves them from the display counter. Dominguez-Flores can be seen passing a firearm to the male in the cowboy hat, who then quickly handles the firearm before passing it back to Dominguez-Flores. After inspecting the Colt, 1911, Dominguez-Flores can be seen gesturing toward the male in the cowboy hat, as previously described by E1. E1 can then be seen making a gesture of asking for Dominguez-Flores' identification by making a square with her fingers, at that time Dominguez-Flores can be seen pulling out his cell phone and then quickly leaving the store, followed by the male in the cowboy hat

10. On March 30, 2016, Joanna Dominguez-Ramirez purchased a Colt, 1911 Government Lightweight, .38 super pistol, serial number 2931378, from Keith's Sporting Goods in Gresham, Oregon. This purchase was documented on an ATF Form 4473 Firearms Transaction Record that was completed at the time of the purchase. I know Keith's Sporting Goods to be a Federal Firearms Licensee (FFL) (also known as a federal firearms dealer). I

also know, from my personal knowledge and ATF databases, that the Colt, 1911 Government Lightweight, .38 super pistol, serial number 2931378, was not manufactured in Oregon and traveled in interstate commerce prior to arriving here.

11. I have spoken with employees of Keith's Sporting Goods, regarding the firearm purchase on March 30, 2016. Employee 3 (E3), an employee at Keith's Sporting Goods, stated that when Dominguez-Ramirez entered Keith's Sporting Goods on March 30, 2016, she looked at several Beretta pistols and then asked if the store had any .38 super pistols. E3 stated that Dominguez-Ramirez was then shown a Colt .38 super pistol. E3 stated that after Dominguez-Ramirez examined the first Colt pistol, she pointed to a second Colt .38 super pistol and asked to see it. E3 stated that after handling the second Colt pistol, Dominguez-Ramirez stated that she wanted to buy the pistol. E3 stated that Dominguez-Ramirez was asked if the pistol was for her. Dominguez-Ramirez told E3 that the pistol was for her and that she was very clear that the pistol was for her. E3 stated that from the beginning the transaction just did not seem right. E3 stated that Dominguez-Ramirez purchasing that type of firearm just did not fit. Employee 2 (E2) stated that he/she spoke with Dominguez-Ramirez and informed her that two Hispanic males had been in the store several days prior inquiring about the same firearm. E2 stated that he/she asked Dominguez-Ramirez if the firearm was for her and informed her that it was a felony for her to lie on the ATF Form 4473. E2 stated that Dominguez-Ramirez stated that the firearm was for her. Dominguez-Ramirez then completed an ATF Form 4473 Firearms Transaction Record to purchase the firearm. Dominguez-Ramirez answered "yes" to question 11.a on the ATF Form 4473, which asks "Are you the actual transferee/buyer of the firearm listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm on

behalf of another person.” I know, in talking with FFLs, that having a purchaser truthfully fill out this form is material to whether a firearm transaction can take place or be authorized. E3 stated that the pistol that Dominguez-Ramirez purchased had a pearl grip, blued slide and stainless bottom. I know the firearm purchased by Dominguez-Ramirez to be the same pistol that Dominguez-Flores attempted to have another individual purchase on March 23, 2016.

Dominguez-Ramirez used Oregon Driver’s License number 2886155 as identification for the purchase and listed her current address as 3013 SE 136th Avenue, Portland, Oregon. I have reviewed the receipt from Keith’s Sporting Goods for the March 30, 2016 purchase. It shows that Dominguez-Ramirez paid cash for the firearm with a total payment of \$1,139.00. E3 stated that Dominguez-Ramirez paid in all \$100 dollar bills for the pistol. E1 stated that he/she observed Dominguez-Flores inside the store while Dominguez-Ramirez was purchasing the firearm but it was not until after the purchase was completed that E1 recognized the male as the same person that was in the store on March 23, 2016. Following the firearms purchase and having recognized Dominguez-Flores, E1 and E3 observed Dominguez-Ramirez exit the store and then enter the back seat of a black Chevrolet Avalanche bearing Oregon License plate number 692HRU. I know this vehicle to be registered to Dominguez-Ramirez. E1 stated that there was a male in the driver’s seat of the Avalanche and that he/she was sure that it was the male (Dominguez-Flores) from the attempted purchase on March 23, 2016.

12. I have reviewed recorded video surveillance from the firearm purchase on March 30, 2016, at Keith’s Sporting Goods. In the video, Dominguez-Flores is seen entering Keith’s Sporting Goods and is followed into the store by Dominguez-Ramirez. Dominguez-Ramirez is then seen looking at firearms in the display counters and makes her way to the Colt pistol

display. Dominguez-Flores can be seen looking at other items in the store. Before Dominguez-Ramirez makes her way to the Colt pistols, Dominguez-Flores can be seen looking at the Colt pistol counter, but does not appear to ask to look at them. While Dominguez-Ramirez is looking at the Colt 1911 pistols Dominguez-Flores is seen standing near Dominguez-Ramirez but is not interacting with her or any store employees. Once Dominguez-Ramirez begins completing the ATF Form 4473, Dominguez-Flores can be seen exiting the store by himself. Dominguez-Ramirez then completes the firearms transaction and departs the store with the firearm.

13. On April 4, 2016, I was informed by United States Immigration and Customs Enforcement, Deportation Officer Chatham McCutcheon that Joel Dominguez-Flores is an illegal alien who does not have any legal status in the United States and that he was previously deported from the United States in 1998.

14. On April 5, 2016, I observed three vehicles, registered to Dominguez-Ramirez, a 2002 blue Chevrolet Tahoe bearing Oregon License Plate Number CA38374, a 2003 black Chevrolet Avalanche bearing Oregon License Plate Number 692HRU and a 2007 silver Chrysler PT Cruiser bearing Oregon License Plate Number 788GUR, in the parking lot of Townhouse Terrace. Townhouse Terrace contains the addresses 3001-3135 SE 136<sup>th</sup> Avenue, Portland, Oregon.

15. On this same date, I observed a blue Chevrolet Tahoe bearing Oregon License plate CA38374 depart Townhouse Terrace and travel to a Fred Meyer in Portland, Oregon. At the Fred Meyer, Detective Brandon Gentry and I observed Dominguez-Flores exit the Chevrolet Tahoe and enter the Fred Meyer. I then observed Dominguez-Flores inside the Fred Meyer and

as he exited the Fred Meyer and reentered the Chevrolet Tahoe. A short time later, Dominguez-Flores was observed by Detective Mike Webb using a key and entering the residence located at 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon.

16. On April 6, 2016, I again observed the three vehicles registered to Dominguez-Ramirez, a 2002 blue Chevrolet Tahoe bearing Oregon License Plate Number CA38374, a 2003 black Chevrolet Avalanche bearing Oregon License Plate Number 692HRU and a 2007 silver Chrysler PT Cruiser bearing Oregon License Plate Number 788GUR, in the parking lot of Townhouse Terrace.

17. On this same date, I observed Dominguez-Flores driving a blue Chevrolet Tahoe bearing Oregon License plate number CA38374, as he exited a Grocery Outlet parking lot in Portland, Oregon.

18. I have queried a law enforcement source known as Accurint for law enforcement. It provided an address summary for Dominguez-Ramirez that listed 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon. It provided a possible relative summary for Dominguez-Ramirez that listed Joel Dominguez-Flores. It provided an address summary for Dominguez-Flores that listed 3105 SE 136<sup>th</sup> Avenue, Portland, Oregon.

19. Based on the information provided in this affidavit, I believe Joel Dominguez-Flores and Joanna Dominguez-Ramirez reside at 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236. Through my personal observations, I know that 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 is an individual townhome of the Townhouse Terrace complex. Townhouse Terrace consists of numerous buildings, which are individually numbered in order to match the street number assigned to them. 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 is a two story

building grey in color with white trim, blue door and a metal roof with the markings 3013 clearly displayed on the left side of the door. The townhome is located directly to the south of townhomes 3025 and 3027 and is in the middle of townhomes 3011 and 3015. The door for 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 is located on the north side of the building. The property is described and depicted in the attached photographs, which are fully incorporated in Attachment A. I also know that Joanna Dominguez-Ramirez has a 2002 blue Chevrolet Tahoe bearing Oregon License Plate Number CA38374 and a 2003 Chevrolet Avalanche bearing Oregon License Plate Number 692HRU, registered in her name and listing an address of 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 on the vehicle registrations, fully incorporated as Attachment A.

20. Based on my knowledge and experience, and in conferring with ATF Agents assigned to the Portland Field Office, I know that persons who whether legally or illegally purchase and possess firearms for their own personal use will often retain those firearms for lengthy periods of time or replace those firearms with other firearms when sold, stolen or disposed of by other means. I also know that individuals who acquire firearms from Federal Firearms Licensees, through deliberate fraud and concealment, also often unlawfully acquire firearms from sources unknown to ATF. I further know that these individuals will also retain evidence related to those firearms for lengthy periods of time, such as ammunition, ammunition magazines, parts for firearms, cleaning equipment, gun cases, empty gun boxes, holsters, books, diagrams, manuals, receipts, memoranda and/or notes pertaining to the acquisition, receipt, purchase or disposition of firearms, as well as pictures and/or video of the firearms and persons, including themselves, in possession of firearms. I know that persons involved in the illegal

possession of firearms often retain these items of evidence in their possession or in their premise or areas accessible within the curtilage and/or the vehicles they use. I also know that non-prohibited persons sometimes purchase firearms for prohibited persons who reside with them. Firearms that have been illegally purchased for prohibited persons will usually be stored in the residence or vehicle of and in close proximity to the prohibited person.

21. I know from my training, knowledge, experience and the aforementioned information, people involved in the unlawful acquisition and possession of firearms have a need to communicate with other persons in order to facilitate their illegal activities. This communication takes place between the true intended receiver of the firearm and the “straw” purchaser. Equipment frequently used by individuals who facilitate the “straw” purchasing of firearms includes cellular telephones and answering machines, and that the information stored in these devices contain items of evidentiary value. This information often includes phone numbers, coded messages, text messages, identification of callers, photographs, amounts and nature of firearm transactions being bought or sold and other related information.

22. I know from my training and experience that people involved in the unlawful acquisition and possession of firearms often use vehicles in their firearm related offenses, both to help them facilitate their firearm acquisitions, but also as a place to store their firearms. Sometimes the vehicles are not registered to the persons who actually own them or control them and that these individuals will often use friends or family members to register them for the purpose of avoiding detection from law enforcement.

23. I also know that people involved in the unlawful acquisition and possession of firearms often maintain in their residence, vehicles and within the curtilage indicia of occupancy

and ownership, including, but not limited to records that establish the person(s) who have control, possession, custody or dominion over the property from which evidence is seized, such as: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, rent receipts, payment receipts, financial documents, keys, photographs (developed or undeveloped), leases and mortgage bills. Such records are evidence that a particular person is residing at a residence and associated with what is found inside the residence, whether they claim to own the residence or not.

### **Conclusion**

24. Based on the foregoing, I have probable cause to believe, and I do believe, that Joel Dominguez-Flores used Joanna Dominguez-Ramirez to buy him a Colt firearm and thus they committed and aided and abetted the commission of the crimes of being an Illegal Alien in Possession of a Firearm and Making False Statements to a Federal Firearms Licensee, in violation of Title 18 U.S.C. §§ 2, 922(g)(5) and 922 (a)(6), and that contraband, evidence, fruits and instrumentalities of that/those offense(s), as described above and in Attachment B, are presently located at 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236, in a 2002 blue Chevrolet Tahoe bearing Oregon License Plate Number CA38374, in a black 2003 Chevrolet Avalanche bearing Oregon License Plate Number 692HRU, on the person of Joanna Dominguez-Ramirez and on the person of Joel Dominguez-Flores, which are described above and in Attachment A. I therefore request that the Court issue a warrant authorizing a search of the Premises, vehicles and persons described in Attachment A for the items listed in Attachment B and the seizure and examination of any such items found.

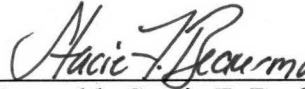
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25. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Scott Kerin, and AUSA Kerin advised me that in his opinion the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.



Ryan Hultgren  
Special Agent, Bureau of Alcohol,  
Tobacco, Firearms and Explosives

Subscribed and sworn to before me this 14<sup>th</sup> day of April 2016.



Honorable Stacie F. Beckerman  
United States Magistrate Judge

**ATTACHMENT A**

**DESCRIPTION OF VEHICLE AND PLACES TO BE SEARCHED**

1. The residence and premises of Joanna Dominguez-Ramirez and Joel Dominguez-Flores, located at 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236, including the dwelling and curtilage, under the dominion or control of Joanna Dominguez-Ramirez and Joel Dominguez-Flores.

The residence is on the west side of SE 136<sup>th</sup> Avenue and is towards the center of the Townhouse Terrace complex. The building is identified as a two story building grey in color with white trim, a blue door and a metal roof with the markings 3013 clearly displayed next to the front door which faces north. Townhouse 3013 is identified on the attached picture with a red arrow pointing to the front door. The front door to the residence is shown on the attached picture with the marking 3013 displayed next to the door.





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2. A Blue Chevrolet Tahoe, bearing Oregon license plate CA38374, which is registered with the Oregon Department of Motor Vehicles (DMV) to Joanna Dominguez-Ramirez at the residence of 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 (as pictured below).
3. A Black Chevrolet Avalanche, bearing Oregon license plate 692HRU, which is registered with the Oregon Department of Motor Vehicles (DMV) to Joanna Dominguez-Ramirez at the residence of 3013 SE 136<sup>th</sup> Avenue, Portland, Oregon 97236 (as pictured below).



**ATTACHMENT A**

**DESCRIPTION OF PERSONS TO BE SEARCHED**

1. The person of Joanna Dominguez-Ramirez. Dominguez-Ramirez is a Hispanic female, approximately 5'0", 110 pounds, with a date of birth of October 13, 1994.
2. The person of Joel Dominguez-Flores. Dominguez-Flores is a Hispanic male, approximately 5'1", 160 pounds, with a date of birth of April 8, 1974.

**ATTACHMENT B**

**ITEMS TO BE SEARCHED FOR AND SEIZED**

Evidence of a crime, contraband, fruits of a crime, items illegally possessed, as well as property designed for use, intended for use, or used in committing a crime, in violation of 18 U.S.C. §§ 2 and 922(g)(5) (Illegal Alien in Possession of a Firearm and/or Ammunition) and 18 U.S.C. §§ 2 and 922(a)(6) (False Statements to a Federal Firearms Licensee).

1. a Colt, 1911 Government Lightweight, .38 super pistol, serial number 2931378, .38 caliber ammunition, and firearms accessories such as cleaning kits, spare parts for firearms, holsters, magazines and other ammunition storage devices, bullets, shell casings, primers, powders, reloading equipment, firearm boxes/cases, targets used for practice, lockboxes, trigger locks, scopes, laser sights and other gun-related optics, receipts, memoranda and/or notes pertaining to the acquisition, receipt, purchase, repair or disposition of the Colt, 1911 Government Lightweight, .38 super pistol, serial number 2931378, books, diagrams, manuals, photographs both in print and on digital media, cell phones, undeveloped film and videos, and gun safes.
2. Items of identification that establish Joanna Dominguez-Ramirez's and Joel Dominguez-Flores' control, possession, custody or dominion over the property and vehicles searched and from which evidence is seized such as letters, bills, rent receipts, checks, check stubs, driver's licenses, keys, identification cards, miscellaneous documents, paperwork with names and numbers.